

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CRIMINAL NO. 3:02-CR-245-MOC; 3:03-CR-38-MOC-DSC;  
3:19-CR-00312-MOC-DSC**

UNITED STATES OF AMERICA, )  
                                )  
                                )  
                                )  
                                )  
v.                             )  
                                )  
TERIE CARVETT SMITH,      )  
                                )  
                                )  
Defendant.                   )

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**ORDER**

**THIS MATTER** is before the Court on appointed counsel’s “Motion[s] for Inquiry as to Status of Counsel,” Docs. 76, 15 and 36, filed April 20, 2021. The Court held a hearing in this matter on April 21, 2021.

The Court heard from Defendant, appointed counsel Scott Gsell, and the Government. Defendant is scheduled for docket call before District Judge Max O. Cogburn, Jr. on May 3, 2021. He was previously represented by Assistant Federal Defender Cecilia Oseguera. On August 28, 2020, the Court denied Defendant’s pro se Motion, Doc. 23 (3:19-cr-312), to remove Ms. Oseguera as counsel. On October 22, 2020, the Court granted Ms. Oseguera’s Motion, Doc. 28, and allowed her to withdraw following a hearing addressing issues between Defendant and counsel. Defendant now seeks a third appointed lawyer. He has refused to meet with Mr. Gsell. Mr. Gsell credibly represents that Defendant is dissatisfied with the Government’s plea offer. This is the same plea offer previously extended to Ms. Oseguera. Defendant states that there is a lack of “respect” in his conversations with Mr. Gsell. The Court advised Defendant that his plea offer will not change

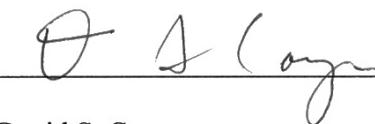
with new appointed counsel. The Court further advised him that he needs to decide whether to accept the plea offer or prepare for trial.

“Because the right to choose counsel is not absolute, it necessarily follows that a defendant does not have an absolute right to substitution of counsel. As a general rule, a defendant must show good cause in requesting a new appointed lawyer.” United States v. Mullen, 32 F.3d 891, 895 (4th Cir. 1994). The Court does not find good cause to remove Mr. Gsell as appointed counsel.

The Clerk is directed to send copies of this Order to defense counsel, the U.S. Attorney, and to the Honorable Max O. Cogburn, Jr.

**SO ORDERED.**

Signed: April 21, 2021

  
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David S. Cayer  
United States Magistrate Judge  
